HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1469 (M/S) of 2001

(Old No. 7340 of 1989)

Harish Chandra S/o Late Sri Kamala Pati
Sharma, R/o Mahtuliya Gaon, Patti Chaubhansi,
Tehsil and District- Nainital. ....Petitioner

Vs

1. The Special Judge, Nainital.
2. The Prescribed Authority,
   (Sub- Divisional Magistrate),
   Nainital. .....Respondents

Sri Rajeev Singh Bisht learned counsel for the petitioner.
Sri M.S. Pal learned Senior Advocate assisted by
Sri D.N. Sharma learned counsel for the respondent No.2.
Sri Nand Prasad learned standing counsel for the State.

Dated: - 27-3-2006

Hon'ble B.S. Verma, J.

Heard Sri Rajeev Singh Bisht learned counsel for the petitioner, Sri M. S. Pal learned Senior Advocate assisted by Sri D.N. Sharma learned counsel for the respondent No.2 and Sri Nand Prasad learned Standing counsel for the State.

The present writ petition has been filed by the petitioner with a prayer to issue a writ, order or direction in the nature of certiorari quashing the order dated 9-2-1989 passed by the Special Judge, Nainital in appeal No. 56 of 1988 (Annexure 11) to the writ petition.

The petitioner has stated after initiating the proceeding under Section 4 of the U.P. Public Premises (Eviction of Unauthorized Occupants) Act, 1952, lease was granted by the Collector regarding the same property. Photocopy of which has been filed as (Annexure-1) along with the supplementary affidavit on 11-8-2005.

In case the lease has been granted in favour of the petitioner after initiation of the earlier proceeding, the petitioner shall not be evicted.

With the said observation the writ petition is dismissed.

(B.S. Verma,J)

Dated:- 27-3-2006
M.K.